

STATE'S CASE

ALL EVIDENCE AGAINST JAMES HAS BEEN INTRODUCED.

DEFENSE BEGINS TO-MORROW

W. J. SMITH POSITIVELY IDENTIFIES JESSE AS LEADER.

Confessor Lowe's Story Corroborated in Many Important Particulars—Harbaugh Does Not Expect Conviction, but Claims a Strong Case.

After having made the best case against Jesse James that was in their power, the prosecuting attorney and his assistants have rested on their oars. They have played their leading cards.

"I do not think that we will succeed in convicting Jesse James," said Harbaugh last night. "We did our best and I do not admit that we have done all that we intended to do. I am glad we made as good a case as we did, for it was for the purpose of proving to the public that we had reason for accusing Jesse James that we brought this case to trial. I am glad that we have been able to prove that we had cause for arresting Jesse. We have been very much handicapped by the adverse rulings of Judge Shackelford. He has not permitted us to introduce evidence which will show the existence of a conspiracy. Prosecutor Reed played his trump card yesterday when he placed William J. Smith on the stand. This witness was expected to supply the missing link in the testimony by swearing that Jesse James is the man who was the leader of the robbers. He did make the positive statement that he knew Jesse was the leader of the bandits, but his evidence did not make as much of a sensation as was expected. He is the only witness who is positive in his statement that the man who wore the log coat at the holdup was Jesse James."

When the prosecuting attorney called out Smith's name there was an eager craning of the necks for the witness to appear. The witness was a middle-aged man, very dark and medium in stature. He appears to be a laborer and claims to be from St. Louis, Mo., as his home.

Another witness that was expected to be a great aid for the prosecution was E. P. Sexton, the well known builder. Mr. Sexton was out driving with his wife on the night of the robbery and saw several men in two buggies that were standing near a clump of trees just south of Jesse's house. Mr. Sexton was expected to positively identify Jesse as one of the men who were in the buggies, but he said he did not see any of the men so as to distinguish their faces. The witness knows Jesse James when he sees him.

It was a surprise to the defense when Mr. Reed announced at 4:30 o'clock yesterday afternoon that the state would rest its case. The greater part of the day was consumed in examining unimportant witnesses.

The defense will have its innings on Monday. It will attempt to prove an alibi for Jesse and will also claim that the police have conspired against him and that they have based their entire case on the confession of Lowe. They will claim that it would be possible to have made an agreement with all the witnesses to bear out the testimony of Lowe.

Judge Shackelford will convene court at 9 o'clock Monday morning.

Overalls and Jumper Identified. The first witness called yesterday morning was Miss Cora Hollenbeck, who testified that she visited the scene of the robbery the morning after the holdup, and found two pairs of overalls and a jumper. The witness was asked to identify them, which she did.

Nelle Hollenbeck was called, and said that she visited the scene of the holdup with her sister, and noticed buggy tracks. William Wotok, who boards at the Hollenbecks, said that he had heard the explosion. About fifteen minutes later he heard a horse and buggy pass, and some one who was in the vehicle said: "Look out, that horse will fall."

A boy named Richard Hayden said that he was in an orchard at Thirty-fifth and Indiana avenue about 11 o'clock on the night of the robbery. He heard a vehicle pass some little time after the explosion, and the horse was going very fast.

William Ackerman and Richard Sexton testified that they had heard horses coming toward the city, about 11 o'clock at night.

Farmer R. Self, who owns the livery stable where the robbers obtained the horse, said that he had talked with the driver of the robbery and asked to have a horse and buggy at about 7:30 that evening.

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A Most Remarkable Remedy That Quickly Restores Lost Vigor to Men.

A Free Trial Package Sent by Mail to All Who Write.

Free trial packages of a most remarkable remedy are being mailed to all who will write the State Medical Institute. They cured so many men who had battled for years against the mental and physical suffering of lost manhood that the institute has decided to distribute free trial packages to all who write. It is a home treatment and all men who suffer with any form of sexual weakness, resulting from youthful folly, premature loss of strength and memory, weak back, varicose or emaciation of parts can now cure themselves at home.

The remedy has a peculiar grateful effect of warmth and seems to act direct to the desired location, giving strength and development just where it is needed. It cures all the ills and troubles that come from years of misuse of the natural functions and has been an absolute success in all cases. A request to the State Medical Institute, 101 First National Bank building, Fort Wayne, Ind., stating that you desire one of their free trial packages, will be promptly complied with. The institute is desirous of reaching that great class of men who are unable to leave home to be treated and the free sample will enable them to see how easy it is to be cured of sexual weakness.

The remedy makes no restrictions. Any man who writes will be sent a free sample, carefully sealed in a plain package, so that its recipient need have no fear of embarrassment or publicity. Replies are requested to write without delay.

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ing. He described the man who came for the rig. "When did the detectives go out to your barn?" Mr. Walsh asked. "Just after the robbery."

"Keshlar and Lowe, and someone else. They asked me whether Jesse James got the rig or not. Yes, I know Detective Harbaugh, and saw him several times. He came out to see me. I remember distinctly that he was a detective. I don't know whether Jesse James got the rig or not. This was after Lowe's confession."

William Self, an uncle of W. R. Self, said that he had seen a heavy, well built man come to the barn at about 7:30 o'clock, and the man got a high spirited horse. L. D. Woods testified that he worked at Self's horse barn, and that a man called for a horse at the barn. He was given a horse and buggy. At about 11 o'clock that night the horse returned without a driver. The horse had the appearance of having been driven very hard.

The livery which was found was produced, and the witness testified it was the one that he gave to the man who called for the horse.

"I found a gun scabbard and a cartridge in the buggy," said the witness. On cross-examination the witness repeated the statements that he had made during the direct examination.

Albert Shilling, the secretary of the Missouri Valley Bridge Company, was called. "Will you state whether several of your employees were working on a bridge near the horse barn?"

"I saw two buggies standing on Thirty-fifth street near a clump of trees. The men who were with the buggies seemed to be firing something about the driver of the harness. There were several men, the exact number I cannot remember. I could not identify any of the men if I saw them."

Morton C. Hunter, a timekeeper in the Santa Fe railroad yard, said that books showed that W. W. Lowe did not work at that time of the night of September 22.

Smith identifies Jesse James. It was at this point that Mr. Reed played his best card. The much heralded Mr. W. J. Smith, the man who said that he saw one of the robbers with a mask off, was produced, and his testimony was expected to make great impression. The witness stated on the stand that he saw the leader

of the bandits, and also pointed to Jesse James and said: "That is the man."

Notwithstanding this positive statement from Smith, his testimony did not have the effect that was expected. On cross-examination the witness made very much confused. However, he did not swerve from his original statement that the leader of the bandits was Jesse James.

"Where were you on the night of September 22?" Mr. Reed asked. "I was a passenger on the Missouri Pacific train that was held up."

"What was the first thing you knew of any trouble?" "I was in the smoker. I looked out the window. Then I got up and went out and started forward. I met one of the robbers and he told me to go back. I stepped up on the top of the smoker."

"Describe the man." "He had on a long, dark coat that looked like a mackintosh. He had no mask, but had a black thing hanging around his neck."

"Did you get a good look at that man?" "Yes. I was as close to him as I am to you."

"Do you see that man in the courtroom?" "Yes, there he sits," pointing to Jesse James, who sat in the front of the stand. "Were you in the smoking car?" "Yes, I was."

"Who asked you to come to this trial?" asked Mr. Walsh. "Mr. Harbaugh. He visited me with another man."

"Who was the other man?" "I don't know."

"Where did you see Jesse James when you came here to identify him?" "At the court house, when he sent me to go over to see him."

"Harbaugh?" "Yes, he was at the cigar stand, didn't you?"

"I heard that he was." "That you didn't know that Jesse James was there?" "Didn't Harbaugh take you to the depot to meet Conductor Carr?"

"He took me there." "Didn't he have to tell Conductor Carr about your having seen the man who was robbed before he remembered you?"

"Yes." "What made you look out of the car window?" "I thought it was torpedoes on the track."

"Did you go all the way up to the engine?" "No."

"When did you see the man with the shotgun?" "When I walked up toward the robbers."

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"Didn't he have a mask on?" "No."

"On which side of the train were you?" "I was on the left hand side. When I was awakened I heard four or five shots fired. I didn't know where I was when I first woke up."

"You were asleep when the noise started, were you?" "I was asleep when the noise started, but I woke up when I heard the shots."

LEADS JESSE JAMES WAS OUT THERE? Judge Shackelford asked Mr. Walsh: "That's what you call bolstering up a witness. Don't do it again."

Mr. Walsh asked without further examination.

Express messenger Hills was recalled and identified a revolver which he showed to the witness. Harbaugh was expected to positively identify Jesse for the purpose of asking him to repeat testimony.

Ex-Judge Krueger on the Stand. O. W. Krueger, who was justice of the peace when Jesse James testified in Kennedy's behalf, was asked:

"Did you see Jesse James and W. W. Lowe in conversation at your office?" "Yes, I saw them talking frequently together, and they seemed quite friendly."

Mr. Walsh asked several questions and the witness was dismissed.

The witness testified that he kept a record of visitors at the county jail.

Mr. Reed asked:

"Did Jesse James ever visit the jail?" "Here Mr. Walsh objected and the court sustained him. Mr. Reed protested so vigorously that Judge Shackelford asked him to repeat testimony."

Jesse Talked With Ryan and Lowe. Ed Collins, who is employed in the county assessor's office, said that he had seen Lowe and Jesse James talking together at the cigar stand in the court house.

"Did you ever see Andy Ryan talking with Jesse James?" asked Mr. Reed. "Yes, frequently," replied the witness. "I saw Ryan over there four or five times."

Mr. Walsh asked:

"Yes, many people stop here and talk with Jesse. Is it a place where many people come?" "Yes, it is a place where many people come."

Dr. Zail Smith testified that he saw Jesse James in the court house. He was a poor witness for the state, as his answers concerning his knowledge of the conversation between Jesse and Lowe were far from satisfactory.

Former County Marshal Murphy said that he had seen Jesse James in the assessor's office examining a map of Jackson county.

"Was he examining the part of the map representing the neighborhood of Leeds?" Judge Shackelford sustained an objection to the question, and the witness was asked to refrain from asking questions which were misleading and suggestive. Mr. Walsh asked several questions, and the witness was dismissed.

The witness testified that he had heard that Jesse took a bicycle trip to Blue Springs about a week before the robbery. I saw Andy Ryan talking to Jesse several times after Andy got out of jail.

Mr. Walsh asked the witness:

"Don't you know that Andy Ryan was not in jail that summer?" "About ten years."

He said he had seen Lowe at the court house, but not often.

George Fearo, deputy county collector, said that he had seen Jesse consult a map of Jackson county, but for what purpose he did not know.

George P. Griffith, the agent of the Pacific Express company at the Union depot, testified as follows:

"I went to the scene of the robbery the next morning and found a mask which I handed to Superintendent Moore."

A mask was introduced and was identified by Griffith as the one that he had seen.

Frank Kelly, who formerly was an elevator boy at the court house, said that he had seen Andy Ryan talking with Jesse at the court house.

"Did you not say you had once held up a train?" "I told a fellow that I had held up a train once, but I must have had several holes in me. I was not arrested. I made that remark in a joking way."

E. P. Sexton Saw Two Buggies. E. P. Sexton was the next witness. He testified that on the night of the Leeds robbery he was out driving with his wife on Thirty-fifth street, south of the James home.

"I saw two buggies standing on Thirty-fifth street near a clump of trees. The men who were with the buggies seemed to be firing something about the driver of the harness. There were several men, the exact number I cannot remember. I could not identify any of the men if I saw them."

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"Did you go all the way up to the engine?" "No."

"When did you see the man with the shotgun?" "When I walked up toward the robbers."

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